

dm

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
LILIA MORCHIK

Plaintiff,

-against-

UNITED STATES OF AMERICA
Defendant.
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Plaintiff pro se:
Ms. Lilia Morchik
173 Emily Lane
SI, NY 10312-6610

For Defendant:
Roslyn Mauskopf
United States Attorney
Brooklyn, New York
By: Judy Phillips (for assignment)

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

AMON, J.

Plaintiff, pro se has filed a civil action seeking the **return of property** seized from him/her at the time of his/her arrest.

Plaintiff may be entitled to relief under (i) civil equitable principles consistent with Mora v. United States, 955 F.2d 156 (2d Cir. 1992), (ii) The Tucker Act, 28:2671 et seq., or (iv) Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). See Onwubiko v. United States, 969 F2nd 1392, 1397-99 (2nd Cir. 1992).

IT IS ORDERED THAT

1. service of a copy of this Order shall be made by the Clerk of this Court, together with a copy of the complaint, to the United States Attorney for the Eastern District of New York and by mailing a copy of this Order to plaintiff or to plaintiff's counsel, if any;
2. within 60 days of service of the complaint, the Assistant United States Attorney assigned to the case shall move for judgment on the pleadings or for summary judgment, unless otherwise directed by the court; if a dispositive motion would be more appropriately made by the plaintiff, the government's motion, to direct the plaintiff to make the appropriate motion within 30 days;
3. all matters in this case, including all motions, whether dispositive or otherwise, are referred to Magistrate-Judge **Lois Bloom** for disposition or report and

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recommendation as appropriate and

4. plaintiff shall be permitted to proceed without being required to prepay fees or costs or give security therefor.

SO ORDERED.

Dated: Brooklyn, New York
June 15, 2006

Carol Bagley Amon
United States District Judge